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13 Attorneys for Plaintiffs (continued on next page)

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**  
16

17 PETER JOHNSON, DONALD  
18 PETERSON, and MICHAEL  
CURFMAN, on behalf of themselves and  
19 all others similarly situated,

20 Plaintiffs,

21 vs.

22 LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT, a public entity;  
23 LEROY BACA, as Sheriff of the County  
of Los Angeles, and COUNTY OF LOS  
ANGELES, a public entity, MICHAEL  
24 D. ANTONOVICH, YVONNE B.  
BURKE, DON KNABE, GLORIA  
25 MOLINA, ZEV YAROŠLAVSKY, as  
supervisors of the County of Los  
26 Angeles,

27 Defendants.  
28

Case No.: CV 08-03515 DDP (JTLx)

**DECLARATION OF SHAWNA  
PARKS IN SUPPORT OF MOTION  
FOR CLASS CERTIFICATION  
AND MOTION FOR  
PRELIMINARY INJUNCTION**

Date: June 30, 2008  
Time: 10:00 a.m.

1 (continued from previous page)  
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6 Tiffany A. Green, Esq. [S.B. #243573]  
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**DECLARATION OF SHAWNA L. PARKS**

I, Shawna L. Parks, declare as follows:

1. I am a member of the Bar of the State of California and the Director of Litigation at the Disability Rights Legal Center (formerly Western Law Center for Disability Rights) ("DRLC"), 919 Albany Street, Los Angeles, California, co-counsel for the plaintiffs and the class they purport to represent in the above-captioned action. The facts contained in this declaration are true of my own personal knowledge. If called to testify to these facts, I could and would do so competently.

**DISABILITY RIGHTS LEGAL CENTER AND EXPERIENCE OF COUNSEL**

2. DRLC is a thirty year old organization whose mission is to promote the rights of people with disabilities and the public interest in and awareness of those rights by providing legal and related services. DRLC accomplishes this mission through several programs, including the Cancer Legal Resource Center (a joint program with Loyola Law School), Education Advocacy Project, Options Counseling, Lawyer Referral Service, and Civil Rights Litigation Project. DRLC, which is housed on the Loyola Law School Campus in Los Angeles, also runs an externship program through the law school.

3. DRLC has been and is class counsel on several settled and ongoing class actions in federal and California state courts. Examples of class actions for which we are or have been class counsel include *Jackson v. California State University San Bernardino*, Case No. ED CV 05-1110VAP (JCRx) (C.D. Cal.) (2007) (settled class action on behalf of all students with disabilities at CSUSB regarding systemic failure to provide accommodations and physical access on campus, resulting in nearly \$12 million worth of improvements on campus); *Goldkorn v. San Bernardino County Superior Courts*, Case No. ED CV 06-00707 VAP (OPx) (C.D. Cal.) (ongoing putative class action addressing systemic physical access barriers throughout the San Bernardino County Superior Courts); *Lauderdale v. Long Beach Police Department*, Case No. CV 08-979 ABC (JWJx) (C.D. Cal.) (ongoing putative class action addressing failure to provide effective communication for people who are deaf or hard of hearing by Long Beach Police Department); *Valenzuela v. County*

1 *of Los Angeles*, Case No. CV 02-9092 ABC (JWJx) (C.D. Cal.) (2007) (settled class  
 2 action addressing failure to provide effective communication for people who are deaf and  
 3 hard of hearing in field and jail settings by Los Angeles County Sheriff's Department);  
 4 *Munoz v. CalTrans, CHP*, Case No. C 05-01525 (JSW) (N.D. Cal.) (2007) (settled  
 5 statewide class action addressing failure to ensure effective communication for people  
 6 who are deaf or hard of hearing on emergency call boxes); *Doe 2 v. County of San*  
 7 *Bernardino*, Case No. EDCV 02-962 SGL (C.D. Cal.) (2006) (settled class action  
 8 addressing services to youth with disabilities in San Bernardino juvenile hall); *Miles v.*  
 9 *County of Los Angeles*, Case No. CV-02-03932 DT (JTLx) (C.D. Cal.) (2006) (settled class  
 10 action addressing failure to provide physical access for people with disabilities in Los  
 11 Angeles County Superior Court system); *Rodde, et al v. Bonta et al.*, Case No. CV 03-  
 12 1580 FMC (PJWx) (C.D. Cal.) (2006) (settled class action stopping the closure of Rancho  
 13 Los Amigos Rehabilitation Hospital); *Diamond v. Los Angeles Police Department*, Case  
 14 No. CV-00-11110 ABC (AIJx) (C.D. Cal.) (settled class action addressing failure to  
 15 provide effective communication for people who are deaf and hard of hearing by Los  
 16 Angeles Police Department); and *Flores et al v. Los Angeles County Metropolitan Transit*  
 17 *Auth. et al*, Case No. 00-12188 CBM (BQRx) (C.D. Cal.) (settled class action addressing  
 18 pattern and practice of failure to provide services by Access Paratransit System).

19 4. DRLC also regularly files amicus briefs in state and federal courts, and is  
 20 involved in policy-making activities on behalf of persons with disabilities both statewide  
 21 and nationally. Recent examples of DRLC's appellate and amicus efforts include  
 22 *Figueroa v. Gonzales*, Case No. 06-72620 (9<sup>th</sup> Cir. 2007) (amicus brief addressing  
 23 provision of accommodations to people with significant mental health conditions during  
 24 deportation proceedings); and *United States v. AMC Theaters*, Case No. 06-55390 (9<sup>th</sup> Cir.  
 25 2007) (amicus brief addressing whether a district court within Ninth Circuit can issue a  
 26 nation wide injunction based on an interpretation of the Americans with Disabilities Act  
 27 on which the Fifth Circuit has reached a directly contrary result).

28 5. I, and the other attorneys of the DRLC, also have extensive expertise in the

1 substantive areas of disability rights and special education law.

2 6. Attached hereto as Exhibit A is a true and correct copy of my current resume.  
 3 As the Director of Litigation, I supervise litigation and complex case management in both  
 4 state and federal court, including complex discovery, law and motion, trial preparation,  
 5 settlement negotiations, and media relations. Some additional examples of my work at  
 6 DRLC include *Woods v. Alexandria Housing Partners*, Case No. 07-08262 MMM (JWJx)  
 7 (C.D. Cal.) (case addressing failure to provide reasonable accommodations and habitable  
 8 living conditions for low income tenants with disabilities in city redevelopment project;  
 9 preliminary injunction issued ordering defendants to provide accommodations, habitable  
 10 living conditions and relocation benefits, including for evicted tenants); *Kneeshaw v. San*  
 11 *Diego Zoological Society*, Case No. 05-CV-2127-IEG (POR) (S.D. Cal.) (successfully  
 12 settled case ending discriminatory zoo entrance requirements for people who use scooters  
 13 and wheelchairs); *Park v. Anaheim Unified School District*, 464 F.3d 1025 (9<sup>th</sup> Cir. 2006)  
 14 (successful petition for rehearing resulting in change of panel decision and clarification in  
 15 standards for whether plaintiff is prevailing party under Individuals with Disabilities in  
 16 Education Act); and *Keith H. v. Department of Children and Family Services*, Case No.  
 17 CV04-9273 SJO (RCx) (C.D. Cal) (case of first impression regarding foster child regarded  
 18 as disabled and placed in special education in a nonpublic school; resulted in changed  
 19 policies and practices in DCFS's relationships to school districts).

20 7. Prior to my work at DRLC I was, *inter alia*, a staff attorney and Equal Justice  
 21 Works Fellow at Disability Rights Advocates ("DRA") in Oakland, California. At DRA I  
 22 worked on a wide range of high impact cases regarding the rights of persons with  
 23 disabilities. Some examples of cases I have worked on include *Barden v. Sacramento*, 292  
 24 F.3d 1073 (9<sup>th</sup> Cir. 2002) (case of first impression regarding physical access to public  
 25 sidewalks); *DCARA v. SFO*, Case No. C-02-1844 MEJ (EDL) (N.D. Cal) (communication  
 26 access at San Francisco International Airport); *Farrell v. Harper*, No. R6 03079344  
 27 (Alameda County Sup. Ct.) (provision of services to youth with disabilities in California  
 28 Youth Authority); and rulemaking proceeding 01-05-047 at the CPUC during energy

1 crisis (representing needs of consumers on life support and with compromised immune  
2 systems who were on medical baseline energy program, and addressing elimination of  
3 barriers to that program, focusing on low income and non English speaking populations).

4 8. In addition to my litigation responsibilities, I supervise more than 25 law student  
5 externs annually and teach a litigation seminar regarding litigation skills and disability  
6 rights, as well as work with pro bono attorneys and other co-counsel. I also co-teach the  
7 Disability Rights and Special Education law class at Loyola Law School, where I am an  
8 Adjunct Professor.

9 9. I am personally aware of the qualifications of the other lawyers staffing this  
10 case.

11 10. Paula Pearlman is the Executive Director of the DRLC and regularly consults on  
12 this litigation. Attached hereto as Exhibit B is a true and correct copy of Ms. Pearlman's  
13 Resume.

14 11. Ms. Pearlman is an Adjunct Professor of Law at Loyola Law School, has  
15 practiced law for twenty-five years, and has expertise in class action litigation and  
16 complex litigation.

17 12. She also has extensive expertise in disability rights law, including the area of  
18 special education law. Ms. Pearlman has been actively involved in a number of cases  
19 identified above, including, but not limited to, being co-lead plaintiffs' counsel on *Rodde,*  
20 *et al. v. Bonta*, CV03-1580 FMC (PJWx); *Doe 2 v. County of San Bernardino*, Case No.  
21 EDCV 02-962 SGL; and *Miles v. County of Los Angeles*, Case No. CV-02-03932 DT  
22 (JTLx).

23 13. Ms. Pearlman is currently a member of the California Commission on Access to  
24 Justice, Federal Courts Committee (2007); Co-Chair elect, Lawyer Representatives,  
25 Central District, Ninth Circuit Judicial Conference (2008-2009); and a Lawyer  
26 Representative, Central District, Ninth Circuit Judicial Conference (2006-present). She  
27 has also been a member of the U.S. Access Board, Courthouse Access Advisory  
28 Committee (2004 - 2006), a member of the California State Bar Standing Committee for

1 the Delivery of Legal Services (SCDLS) (2004 - 2007), Chair, Moderate Means  
2 Subcommittee, (2005-2007), and is currently a member of the Los Angeles County Bar  
3 Association, Juvenile Courts Task Force Committee Member (2006-2008).

4 14. Ms. Pearlman has received the Public Justice Foundation, Trial Lawyer of the  
5 Year Finalist for her work on the case *John Doe2 v. County of San Bernardino, et al.* July  
6 2007, and was a Recipient of the Attorney Award of Merit from the Legal Aid Association  
7 of California in April 2007. She was also named "Top 75 Women Litigators" by Daily  
8 Journal, June 2006.

9 15. Tiffany A. Green is a Litigation Attorney with the Civil Rights Litigation Project  
10 of the Disability Rights Legal Center. Ms. Green's practice focuses on high-impact cases  
11 affecting the rights of people with disabilities, including cases involving effective  
12 communication, physical access and accommodations, and the rights of people with  
13 disabilities in detention facilities. Ms. Green is a 2005 graduate of University of  
14 California, Los Angeles. Attached hereto as Exhibit C is a true and correct copy of Ms.  
15 Greens' resume.

16 16. All of Plaintiffs' counsel maintain sufficient resources and expertise to maintain  
17 this action, and all of Plaintiffs' counsel are prepared to commit the time and resources to  
18 competently and successfully resolve this action.

19 **NOTICE TO COUNTY AND SHERIFF'S DEPARTMENT REGARDING**  
20 **VIOLATIONS ALLEGED IN THIS LAWSUIT**

21 17. The DRLC, as well as other organizations involved in the disability community  
22 originally raised with Defendants the significant violations at issue in this case more than  
23 a year ago. On April 13, 2007, the DRLC, the ACLU, and Protection & Advocacy, Inc.  
24 (an additional disability rights organization) sent a letter to the Sheriff's Department  
25 requesting a meeting on these issues. A true and correct copy of this letter is attached  
26 hereto as Exhibit D.

27 18. Our organizations subsequently met with representatives of the County and  
28 Sheriff's Department to discuss violations of the rights of inmates with disabilities on May

1 14, 2007. During that meeting we provided the Sheriff's Department information on the  
2 nature of the complaints our offices were receiving from people with disabilities in the jail  
3 and the illegal conditions we had identified within the jail system. A true and correct copy  
4 of the memo distributed at that meeting is attached hereto as Exhibit E.

5 19. After this meeting, my office submitted a California Public Records Request to  
6 the Sheriff's Department on August 6, 2007. A true and correct copy of the California  
7 Public Records Request is attached hereto as Exhibit F. In our Public Records Request we  
8 requested, *inter alia*, self-evaluation and transition plans prepared pursuant to the ADA  
9 and Section 504 of the Rehabilitation Act for the jails system, and policies and procedures  
10 to ensure accessibility and accommodations for people with disabilities, including  
11 physical disabilities and medical conditions.

12 20. We received approximately 250 pages on October 1, 2007. I have reviewed the  
13 Declaration of Logan Hopper filed in connection with these motions and can state based  
14 on my review that Exhibit C to his declaration contains a true and correct copy of the  
15 LASD response to our California Public Records Request. Included in this response was  
16 the County of Los Angeles Program Access Report/Preliminary Accommodations Draft,  
17 dated January 1, 2000, which is referenced in Mr. Hopper's report. The dates for target  
18 implementation and actual implementation are left blank. Also included was a document  
19 entitled the LASD-ADA Barrier Transition Plan, dated August 30, 1998, and an ADA  
20 Compliance review from 2005. The 2005 Compliance review notes, among other things,  
21 that the County's 1998 transition plan fails to include inmate areas at the Men's Central  
22 and Twin Towers complex.

23 21. In the documents from the Sheriff's Department we received very limited  
24 policies and procedures related to the issues in this case. This included, *inter alia*, one  
25 page in policies and procedures for Twin Towers, with the most recent revision date of  
26 October, 6, 1998, and two pages for Men's Central Jail regarding the provision of and use  
27 of wheelchair with the most recent revision date of December 27, 2006.

28 22. After our May 2007 meeting and receipt of the Sheriff's Department's records,

1 we negotiated for and reached an agreement with the Sheriff's Department that allowed  
 2 our expert, Logan Hopper, to tour the jail facilities. In exchange for this access we agreed  
 3 to provide Mr. Hopper's report to the Sheriff's Department. We attempted to negotiate  
 4 such an agreement because of our ongoing concern about these issues and as a result of  
 5 the lack of response by the Sheriff's Department to the issues raised in our May meeting.

6 23. The agreement to allow access for Mr. Hopper took substantial time and effort to  
 7 negotiate. Attached hereto as Exhibit H is a true and correct copy of a letter from DRLC to  
 8 County Counsel regarding attempts to arrange this site inspection, dated October 15, 2007.  
 9 We reached a final agreement with the County regarding this arrangement in early  
 10 November of 2007.

11 24. Pursuant to this agreement, my office and the ACLU spent three days in late  
 12 November and early December 2007 inspecting the jail facilities with Mr. Hopper in an  
 13 attempt to obtain and provide to the County a more systemic picture of the violations.  
 14 Representatives of the County and/or Sheriff's Department accompanied us throughout  
 15 these inspections. Prior to his inspection of the facilities, my office provided to Mr.  
 16 Hopper the documents received pursuant to our public records act request to the Sheriff's  
 17 Department.

18 25. Mr. Hopper's findings, encompassed in his report, confirmed the existence of  
 19 multiple problems that we had previously identified for the Sheriff's Department, and  
 20 identified a number of violations of the fundamental rights of people with disabilities  
 21 within the Los Angeles County jail system. My office provided Mr. Hopper's report to  
 22 the Sheriff's Department and County on March 17, 2008 with a demand for relief. A true  
 23 and correct copy of this letter is attached hereto as Exhibit I.

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1 26. Although we continued to discuss these matters at length with the County and  
2 Sheriff's Department after providing the report, we have been unable to obtain any  
3 agreement to date regarding concrete relief for these very serious issues. See, e.g., Letter  
4 from Lauren Teukolsky of Hadsell Stormer Keeny Richardson & Renick to Paul Beach,  
5 dated May 22, 2008, a true and correct copy of which is attached hereto as Exhibit J.

6 I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.

8 Executed this 5<sup>th</sup> day of June 2008 in Los Angeles, California.

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11   
12 SHAWNA L. PARKS